IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 12186 of 1996

Between:

Nazir Ahmed S/o.Mohd.Dilawar
R/o.755/0,Shanthinagar Guntakal.

... PETITIONER

AND

1 Chairman, Railway Board, New Delhi.
2 General Manager, South Central Railway, Secunderabad.
3 The Chief Security Commissioner (H.Q),

Railway Protection Force, South Central Railway,

Rail Nilayam, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to direct the respondents to consider the petitioner for appointment to the post of Constable in Railway Protection Force who has been selected pursuant to the notification No.1/92 with all the consequential benefits from the date he was selected and issue any such appropriate writ or order and be pleased to pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for Petitioner: MR.SANKA RAMAKRISHANA RAO

Counsel for the Respondents: MR.L.SRIPAL REDDY

The Court made the following :

ORAL ORDER:

The writ petition is filed with a prayer as under:

> "Direct the respondents to consider the petitioner for appointment to the post of Constable in Railway Protection Force who has been selected pursuant to the notification No.1/92 with all the consequential benefits from the date he was selected."

A notification No.1/92 was issued on 20.08.1992 calling for applications from eligible candidates for filling up posts of constables in the executive and fire branches of the Railway Protection Force, South Central Railway. The petitioner applied and was called to attend the physical, sports and written examination on 23.03.1993. The examination was initially postponed and eventually conducted, and the petitioner appeared thereat. He also underwent other tests and was called to attend viva-voce test. He claimed to have been informed that he was selected for the post of constable in the Railway Protection Force and that he was required to undergo only the medical test. Nothing happened thereafter. However, a circular dated 23.03.1994 was issued by the third respondent informing that the recruitment to Railway Protection Force, held between February, 1993 to January, 1994 in response to the notification No.1/92, dated 20.08.1992, has been quashed and that a fresh recruitment notification for constables would be issued in due course. Thereafter, employment notification No.1/94, dated 6.05.1994, was issued calling for applications for the posts of Railway Protection Force constables, with last date for receipt of applications specified as 30.05.1994. It is stated by the petitioner that some of the candidates at the earlier selection filed writ petitions in this Court for directions not to cancel the earlier selection and not to proceed with the fresh selection. Thereafter, it would appear, the Railway Board by a proceedings dated 20.09.1994 informed that the selection proceedings for the recruitment of constables held pursuant to the employment notification No.1/92 has been approved by the

competent authority and call letters for medical examination etc. would be issued in due course. Petitioner claimed to be a candidate selected and not having been called for the medical examination, has filed the writ petition seeking the reliefs already adverted to.

Counter affidavit has been filed on behalf of the respondents. The chronology of events, as asserted by the petitioner, is broadly admitted. It is stated in the counter affidavit that apropos the earlier employment notification No.1/92, dated 20.08.1992, of the 357 vacancies pertaining to the executive branch, 330 candidates were selected and were called for medical examination. Only 287 candidates attended the medical examination and of which 273 candidates were declared fit. These candidates after completion of initial training were posted at their respective posts by a Force order dated 12.12.1995. It is categorically asserted in the counter affidavit that the petitioner was not selected by the selection committee under notification No.1/92. It is further asserted that the petitioner's claim that despite his selection he was not called for the medical examination is misconceived. The answering respondents state that the name of the petitioner does not figure in the merit list as alleged.

In the light of the clear and unequivocal assertion in the counter affidavit that the petitioner was not selected at the selection pursuant to the employment notification No.1/92, an assertion which is not contested by the petitioner by any subsequent pleading, then no warrant for grant of any relief. Writ petition is without merits and is accordingly dismissed. No costs.

_____

3rd August, 2004.

Pan

To

1) The Chairman, Railway Board, New Delhi.
2) The General Manager,

South Central Railway, Secunderabad.

3) The Chief Security Commissioner (H.Q),

Railway Protection Force, South Central Railway,

Rail Nilayam, Secunderabad.

4) Two CD copies.